



93

PATENT

Docket No.: GOL5121.11A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KEVIN CALLOWAY; ERGON COPELAND; ANTHONY FRANCO;
ZVULUN HALFON; SCOTT JOHNSON; RONALD KEWISH; JASON
McNAMARA; RICHARD WILSON

Serial No.: 09/796,933 708,235

Filed: NOVEMBER 7, 2000

For: MULTIMEDIA MESSAGING METHOD AND SYSTEM

Group No.:

Examiner:

RECEIVED

JUN 22 2001

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

OFFICE OF PETITIONS
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being
deposited with the United States Postal Service as
first class mail in an envelope addressed to: Assistant
Commissioner for Patents, Washington, D.C. 20231

on: 6/18/01

John P. O'Banion, Reg. No. 33,201

Date of Signature 6/18/01

PETITION FOR WHEN AN INVENTOR REFUSES TO SIGN
37 CFR 1.47(a)

Dear Sir:

The following inventors were presented with the application and application
papers and have refused to sign the oath or declaration by conduct (see statements of
facts in support of filing on behalf of nonsigning inventors).

Name: ERGON COPELAND
Address: 5520 OWENSMOUTH AVENUE #116
WOODLAND HILLS, CA 91367

Name: ANTHONY FRANCO
Address: 1346 VIA DEL RIO
CORONA, CA 91720

Name: ZVULUN HALFON
Address: 22710 OXNARD STREET
WOODLAND HILLS, CA 91367

Name: SCOTT JOHNSON
Address: 717 33RD STREET #304
SAN PEDRO, CA 90371

Name: RONALD KEWISH
Address: 4420 FOOTHILLS DRIVE
LOVELAND, CO 80537

Name: RICHARD WILSON
Address: 4481 RIBBON COURT
LOVELAND, CO 80537

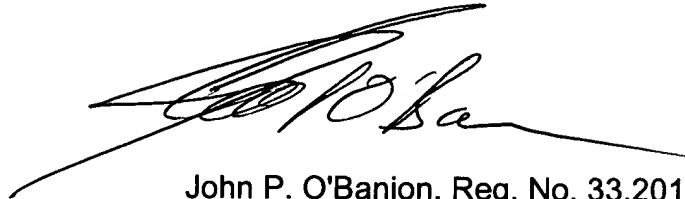
Enclosed please find check in the amount of \$130.00 petition fee, under 37 CFR
§ 1.17(h).

Please charge any fee deficiency to Deposit Account No. 07-1137.

Date: _____

6/18/01

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. P. O'Banion", with a long horizontal flourish extending to the right.

John P. O'Banion, Reg. No. 33,201
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814
(916) 498-1010

FedEx Ship Shipment Receipt

**From:**

John O'Banion
(916) 498-1010
O'BANION & RITCHEY LLP
400 Capitol Mall
1550
Sacramento, CA 95814

To:

Raphael Moore, Esq.
(530) 758-8317
DYNAMICS DIRECT, INC.
519 F Street
Davis, CA 95616

COD Return Address:

N/A

Date: 11DEC00

Track Number: 791918968284

Service: Standard Overnight

Packaging: FedEx Letter

Special Handling: Drop

Piece: 1 of 1

Weight: 1 LBS

Dimensions: N/A

Declared Value: \$50.00

Deliver without Signature: No

Billing: Bill Sender

Bill To Acct: 117199371

Rate Quote: \$10.52

Reference: GOL5121.11A

COD Shipment: No

COD Amount: N/A

Secured Check: N/A

Include Freight: N/A

Document Shipment: N/A

Commodities: N/A

Total Customs Value: N/A

Currency: N/A

Countries of MFG: N/A

Export License: N/A

Expire: N/A

License Exception Symbol: N/A

ECCN: N/A

Ultimate Destination: N/A

EXHIBIT A

TERMS AND CONDITIONS

For complete terms and conditions see the FedEx Ship License

Agreement to Terms. By giving FedEx Your shipment, You agree to be bound by the terms and conditions specified in this document, the FedEx Service Guide and the FedEx Ship License You previously executed, all of which are incorporated herein by reference, for carriage of the shipment via FedEx delivery services to destinations located outside the United States. If there is a conflict between this document and the FedEx Ship License, the FedEx Service Guide ("Service Guide") or the Standard Conditions of Carriage (which are available upon request from FedEx), then in effect, the Service Guide or Standard Conditions will control, as applicable.

Customs Clearance. You hereby appoint FedEx as Your agent solely for the performance of customs clearance and certify FedEx as the nominal consignee for the purpose of designating a customs broker to perform customs clearance. In some instances, local authorities may require additional documentation confirming FedEx's appointment. It is Your responsibility to provide proper documentation and confirmation, where required.

You are responsible for and warrant compliance with all applicable laws, rules and regulations, including but not limited to, customs laws, import and export laws and government regulations of any country to, from, through or over which your shipment may be carried. You agree to furnish such information and complete and attach to this shipment such documents, or submit shipment data to FedEx, as necessary to comply with such laws, rules, and regulations. FedEx assumes no liability to You or any other person for any loss or expense due to Your failure to comply with this provision.

Letter of Instruction. If You do not complete all the documents required for carriage or if the documents submitted are not appropriate for the services or destination requested, You hereby instruct FedEx, where permitted by law to complete, correct or replace the documents for You at Your expense. However, FedEx is not obligated to do so. If a substitute form of air waybill is needed to complete delivery of Your shipment and FedEx completes that document, the terms of the FedEx Ship License and this document will continue to govern. FedEx is not liable to You or any other person for FedEx's actions on Your behalf under this provision.

Export Control. You authorize FedEx to act as forwarding agent for You for export and customs purposes. You hereby certify that all statements and information contained on all air waybills and SEDs relating to exportation are true and correct. You further certify that all Commercial Invoice information submitted via FedEx Ship is true and correct. You expressly authorize FedEx to forward all information of any nature regarding any shipment to any and all governmental or regulatory agencies which request or require such information. You acknowledge that civil and criminal penalties, including forfeiture and sale may be imposed for making false or fraudulent statements or for the violation of any United States laws on exportation, including but not limited to, 13 U.S.C. § 305; 22 U.S.C. § 401; 18 U.S.C. § 1001; and 50 U.S.C. App. 2410. You acknowledge that this shipment is not being sent to any entity listed on the Department of Commerce's Denied Parties List 15 C.F.R. Part 764, Supp. 2, or the list of Special Designated Nationals as published by the Office of Foreign Assets Control of the U.S. Department of the Treasury.

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O'BANION & RITCHEY ^{LLP}
INTELLECTUAL PROPERTY ATTORNEYS

Wells Fargo Center
400 Capitol Mall, Suite 1550
Sacramento, California 95814
Tel. (916) 498-1010
Fax (916) 498-1074

Of Counsel:
LaRiviere, Grubman &
Payne LLP

John P. O'Banion
Patent Attorney

E-Mail
jpo@intellectual.com

Internet
www.intellectual.com

December 11, 2000

Raphael Moore, Esq.
DYNAMICS DIRECT, INC.
Phoenix House
519 F. Street
Davis, California 95616

EXHIBIT B

VIA FEDERAL EXPRESS

Re: U.S. Patent Application
MULTIMEDIA MESSAGING METHOD AND SYSTEM
Inventors: Kevin Calloway; Ergon Copeland; Anthony Franco; Zvulun
Halfon; Scott Johnson; Ronald Kewish; Jason McNamara; Richard
Wilson
Ser. No.: 09/702,835 (Priority to Provisional USSN 60/197,759)
Filed: November 7, 2000
Our File: GOL5121.11A

Dear Mr. Moore:

URGENT - TIME SENSITIVE TRANSMITTAL

In order to complete the formal filing requirements for this patent application, there are a number of documents which now need to be executed by the inventors and submitted to the United States Patent and Trademark Office.

1. Combined Declaration and Power of Attorney;
2. Verified Statement Claiming Small Entity Status - Inventor;

O'BANION & RITCHEY LLP

December 11, 2000

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3. Notice to Inventors Regarding Assignment;
4. Assignment.

Please note that the Combined Declaration and Power of Attorney requires each inventor to certify that he has read the patent application, and believes that he is an inventor of the subject matter of the application. Therefore, please make sure that the inventors review the application completely prior to signing these documents.

The following documents need to be signed by an officer of the company:

5. Verified Statement Claiming Small Entity Status - Small Business Concern;
6. Power of Attorney/Exclusion of Assignee;
7. Assignee Certification Under 37 C.F.R. 3.73(b).

PLEASE MAKE SURE THAT THESE DOCUMENTS ARE DATED AFTER THE INVENTORS SIGN THE ASSIGNMENT.

At the time that these documents are returned to us, we will also need two checks as follows:

Payee: Commissioner of Patents and Trademarks.
Amount: \$950.00

Payee: Commission of Patents and Trademarks
Amount: \$40.00

In the event that any of the inventors discover an error in the application of a minor or typographical nature in the application, the correction of which would be obvious, inherent or implied from the remainder of the application, please bring them to my attention. I can then file a Preliminary Amendment to the application to make the necessary changes. Please note, however, that we are not able to add new matter to the application. Therefore, if the invention is improved or new techniques are developed, it will be necessary for a Continuation-in-Part application to be filed.

Lastly, the inventor and the patent attorney are required to disclose information to the United States Patent and Trademark Office which could be considered material to the determination of issuing a patent. This includes publications, patents, and other literature. If any such information exists, including prior business activities, please provide that information to me

O'BANION & RITCHEY LLP

December 11, 2000

Page 3

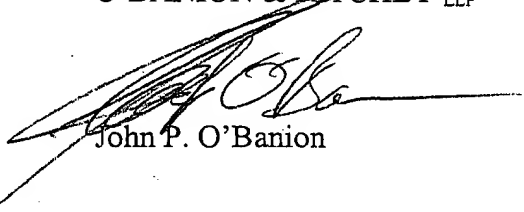
as soon as possible. Failure to disclosure information which is considered material to examination of the patent application could invalidate a patent. Additionally, please provide copies of all publications that are identified as background art in the patent application.

Thank you again for your assistance with the preparation of this application, and please let me know if you have any questions.

Best regards.

Sincerely,

O'BANION & RITCHEY LLP



John P. O'Banion

Enclosure

PATENT

Applicant: KEVIN CALLOWAY; ERGON COPELAND; ANTHONY FRANCO; ZVULUN HALFON;
SCOTT JOHNSON; RONALD KEWISH; JASON McNAMARA; RICHARD WILSON
Serial No.: 09/708,235
Filed: NOVEMBER 7, 2000
Title: MULTIMEDIA MESSAGING METHOD AND SYSTEM
Group:
Examiner:
Docket No. GOL5121.11A

COMBINED DECLARATION AND POWER OF ATTORNEY

(ORIGINAL, DESIGN, SUPPLEMENTAL, NATIONAL STAGE OF PCT, DIVISIONAL,
CONTINUATION OR CONTINUATION-IN-PART)

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type:

- ☒ original (regular)
- ☐ design
- ☐ supplemental-continuation of PCT Application in the U.S.

NOTE: If the declaration is for an International Application being filed as a divisional, continuation, or continuation-in-part, do not check the next item; check appropriate one of last three items.

- ☐ national stage of PCT
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part

INVENTORSHIP IDENTIFICATION

WARNING: If the inventors are each not the inventors of all of the claims, an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address, and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention described in

EXHIBIT C

SPECIFICATION IDENTIFICATION

- ☐ the specification filed herewith by the above-named inventors, with the title listed above.
- ☐ the specification filed herewith by the above-named inventors, with the title listed above, and which was amended by the Preliminary Amendment filed herewith.
- ☐ the specification identified above, as amended by the Preliminary Amendment filed herewith.
- ☒ the specification identified above, and which was amended on N/A.
- ☐ PCT International Application No. _____ filed on _____, and amended under PCT Article 19 on _____ (if applicable).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56.

PRIORITY CLAIM (35 U.S.C. § 119(a)-(d))

I hereby claim foreign priority benefits under 35 U.S.C. §§ 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or under 35 U.S.C. § 365(b) of any PCT international application(s) designating at least one country other than the United States of America listed below, and have also identified below any foreign application(s) or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- ☒ no such applications have been filed.
- ☐ such application have been filed as follows.

PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	FILING DATE (day, month, year)	PRIORITY CLAIMED UNDER 37 U.S.C. § 119	
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO
			<input type="checkbox"/> YES	<input type="checkbox"/> NO

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)
(35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional applications (s) listed below:

PROVISIONAL APPLICATION SERIAL NUMBER FILING DATE OF PROVISIONAL APPLICATION

60/197,759	APRIL 17, 2000

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATIONS
UNDER 35 U.S.C. 120

(complete this part only if this is a divisional, continuation, CIP or national stage of PCT)

I/We hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability under 37 C.F.R. § 1.56, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:

1. U.S. Applications:

SERIAL NUMBER	FILING DATE

2. PCT Applications Designating The U.S.:

PCT APPLICATION NUMBER	PCT FILING DATE	U.S. SERIAL NUMBER

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

John P. O'Banion
James M. Ritchey
Steven L. Smith
Rodger H. Rast

Registration No. 33,201
Registration No. 32,594
Registration No. 44,343
Registration No. 45,853

— Attached as part of this declaration and power of attorney is the authorization of the above-named attorney to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO:

John P. O'Banion
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814

DIRECT TELEPHONE CALLS TO:

John P. O'Banion
(916) 498-1010

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

Full name of sole or first inventor: KEVIN CALLOWAY

Inventor's Signature: _____

Date: _____ Country of Citizenship: UNITED STATES

Residence: LOS ANGELES, CALIFORNIA 90048

P.O. Address: 6115 ORANGE STREET, #1
LOS ANGELES, CALIFORNIA 90048

CHECK PROPER BOX(ES) FOR ANY OF THE FOLLOWING ADDED PAGE(S) WHICH FORM A PART
OF THIS DECLARATION

- ☒ Signature for second and subsequent joint inventors.
Number of pages added 3.
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or
incapacitated inventor.
Number of pages added _____.
- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized
under 37 CFR 1.47.
Number of pages added _____.
- ☐ Signature by one joint inventor on behalf of deceased inventor(s) where legal
representative cannot be appointed in time under 37 CFR 1.47.
Number of pages added _____.
- ☐ Authorization of attorney(s) to accept and follow instructions from representative.

☒ This Declaration ends with this page.

Applicant: KEVIN CALLOWAY; ERGON COPELAND; ANTHONY FRANCO; ZVULUN HALFON;
Serial No.: 09/708,235
Filed: NOVEMBER 7, 2000
Title: MULTIMEDIA MESSAGING METHOD AND SYSTEM
Group:
Examiner:
Docket No. GOL5121.11A

Full name of second joint inventor, if any: ERGON COPELAND

Inventor's Signature: _____

Date: _____ Country of Citizenship: UNITED STATES

Residence: WOODLAND HILLS, CALIFORNIA 91367

P.O. Address: 5520 OWENSMOUTH AVENUE, #116
WOODLAND HILLS, CALIFORNIA 91367

Full name of third joint inventor, if any: ANTHONY FRANCO

Inventor's Signature: _____

Date: _____ Country of Citizenship: UNITED STATES

Residence: CORONA, CALIFORNIA 91720

P.O. Address: 1346 VIA DEL RIO
CORONA, CALIFORNIA 91720

Full name of fourth joint inventor, if any: ZVULUN HALFON

Inventor's Signature: _____

Date: _____ Country of Citizenship: UNITED STATES

Residence: WOODLAND HILLS, CALIFORNIA 91367

P.O. Address: 22710 OXNARD STREET
WOODLAND HILLS, CALIFORNIA 91367

Applicant: KEVIN CALLOWAY; ERGON COPELAND; ANTHONY FRANCO; ZVULUN HALFON;
Serial No.: SCOTT JOHNSON; RONALD KEWISH; JASON McNAMARA; RICHARD WILSON
09/708,235
Filed: NOVEMBER 7, 2000
Title: MULTIMEDIA MESSAGING METHOD AND SYSTEM
Group:
Examiner:
Docket No. GOL5121.11A

Full name of fifth joint inventor, if any: SCOTT JOHNSON

Inventor's Signature: _____

Date: _____ Country of Citizenship: UNITED STATES

Residence: SAN PEDRO, CALIFORNIA 90371

P.O. Address: 717 33RD STREET, #304
SAN PEDRO, CALIFORNIA 90371

Full name of sixth joint inventor, if any: RONALD KEWISH

Inventor's Signature: _____

Date: _____ Country of Citizenship: UNITED STATES

Residence: SIMI VALLEY, CALIFORNIA 93065

P.O. Address: 1334 NORTH PARKHURST STREET
SIMI VALLEY, CALIFORNIA 93065

Full name of seventh joint inventor, if any: JASON McNAMARA

Inventor's Signature: _____

Date: _____ Country of Citizenship: UNITED STATES

Residence: SANTA MONICA, CALIFORNIA 90402

P.O. Address: 473 16TH STREET
SANTA MONICA, CALIFORNIA 90402

Applicant: KEVIN CALLOWAY; ERGON COPELAND; ANTHONY FRANCO; ZVULUN HALFON;
Serial No.: 09/708,235
Filed: NOVEMBER 7, 2000
Title: MULTIMEDIA MESSAGING METHOD AND SYSTEM
Group:
Examiner:
Docket No. GOL5121.11A

Full name of eighth joint inventor, if any: RICHARD WILSON

Inventor's Signature: _____

Date: _____ Country of Citizenship: UNITED STATES

Residence: SAN DIMAS, CALIFORNIA 91773

P.O. Address: 209 WEST 5TH STREET
SAN DIMAS, CALIFORNIA 91773

EXHIBIT D

PATENT

Attorney Docket No. GOL5121.11A

Applicant: KEVIN CALLOWAY; ERGON COPELAND; ANTHONY FRANCO; ZVULUN HALFON;
SCOTT JOHNSON; RONALD KEWISH; JASON McNAMARA; RICHARD WILSON
Serial No.: 09/708,235
Filed: NOVEMBER 7, 2000
Title: MULTIMEDIA MESSAGING METHOD AND SYSTEM
Group:
Examiner:

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) and 1.27(b))-INDEPENDENT INVENTOR

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for the purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention described in

☐ the specification filed herewith, with the title listed above.

☒ the application identified above.

☐ the patent identified above.

I have not assigned, granted, conveyed or licensed, and I am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or to any organization who would not qualify as a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ no such person, concern, or organization

☐ persons, concerns or organizations listed below¹

NAME: _____
ADDRESS: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

¹ Separate verified statements are required from each named person, concern or organization having rights to an invention averring to their status as small entities (37 CFR 1.27).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

1. Name of Inventor: KEVIN CALLOWAY

Signature of Inventor

Date: _____

2. Name of Inventor: ERGON COPELAND

Signature of Inventor

Date: _____

3. Name of Inventor: ANTHONY FRANCO

Signature of Inventor

Date: _____

4. Name of Inventor: ZVULUN HALFON

Signature of Inventor

Date: _____

5. Name of Inventor: SCOTT JOHNSON

Signature of Inventor

Date: _____

6. Name of Inventor: RONALD KEWISH

Signature of Inventor

Date: _____

7. Name of Inventor: JASON McNAMARA

Signature of Inventor

Date: _____

8. Name of Inventor: RICHARD WILSON

Signature of Inventor

Date: _____

NOTICE TO INVENTOR(S) REGARDING ASSIGNMENT

1. The document you are about to sign transfers complete ownership of the subject invention(s), patent application(s) and patent(s), as well as future related inventions, to the named Assignee.
2. O'Banion & Ritchey LLP (including its individual attorneys) has been retained by the Assignee to prepare, file and prosecute patent applications for the subject invention(s).
3. O'Banion & Ritchey LLP (including its individual attorneys) does not represent you as inventor(s) as your attorney.
4. Because O'Banion & Ritchey LLP (including its individual attorneys) only represents the Assignee, we cannot have an attorney-client relationship with you as inventor(s) of the subject invention(s).
5. If you have any questions regarding your rights in the invention(s), patent application(s), patent(s) and/or future related inventions, you should consult your own attorney.

I/We acknowledge that I/we have received a copy of this Notice to Inventor(s) Regarding Assignment prior to being asked to sign the attached Assignment and that I/we have read and understand the contents hereof. I/We further acknowledge that, in executing the attached assignment, I/we have neither received nor relied upon any representation, oral or written, from O'Banion & Ritchey LLP apart from those contained in this Notice.

Date: _____ Inventor: _____
KEVIN CALLOWAY

Date: _____ Inventor: _____
ERGON COPELAND

Date: _____ Inventor: _____
ANTHONY FRANCO

Date: _____ Inventor: _____
ZVULUN HALFON

Date: _____ Inventor: _____
SCOTT JOHNSON

Date: _____ Inventor: _____
RONALD KEWISH

Date: _____ Inventor: _____
JASON McNAMARA

Date: _____ Inventor: _____
RICHARD WILSON

EXHIBIT E

PATENT

Attorney Docket No.: GOL5121.11A

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNOR(S),

Name: KEVIN CALLOWAY
Address: 6115 ORANGE STREET #1
LOS ANGELES, CA 90048

Nationality: UNITED STATES

Name: ERGON COPELAND
Address: 5520 OWENSMOUTH AVENUE #116
WOODLAND HILLS, CA 91367

Nationality: UNITED STATES

Name: ANTHONY FRANCO
Address: 1346 VIA DEL RIO
CORONA, CA 91720

Nationality: UNITED STATES

Name: ZVULUN HALFON
Address: 22710 OXNARD STREET
WOODLAND HILLS, CA 91367

Nationality: UNITED STATES

Name: SCOTT JOHNSON
Address: 717 33RD STREET #304
SAN PEDRO, CA 90371

Nationality: UNITED STATES

Name: RONALD KEWISH
Address: 1334 NORTH PARKHURST STREET
SIMI VALLEY, CA 93065

Nationality: UNITED STATES

Name: JASON McNAMARA
Address: 473 16TH STREET
SANTA MONICA, CA 90402

Nationality: UNITED STATES

Name: RICHARD WILSON
Address: 209 WEST 5TH STREET
SAN DIMAS, CA 91773

Nationality: UNITED STATES

EXHIBIT F

hereby sell(s), assign(s) and transfer(s) to ASSIGNEE:

Name: DYNAMICS DIRECT, INC.
Address: 22736 VANOWEN STREET, SUITE 101
WEST HILLS, CA 91507

and the successors, assigns and legal representatives of the ASSIGNEE the entire right, title and interest for the United States and its territorial possessions and in all foreign countries, including all rights to claim priority, in and to any and all improvements which are disclosed in the invention entitled:

MULTIMEDIA MESSAGING METHOD AND SYSTEM

and which is found in

- (a) ☐ U.S. provisional patent application filed herewith and listing the above named person(s) as inventor(s).
- (b) ☐ U.S. patent application filed herewith listing the above named person(s) as inventor(s).
- (c) ☒ U.S. patent application serial no. 09/708,235, filed on NOVEMBER 7, 2000.
- (d) ☐ U.S. Patent No.: _____, issued _____.

and any legal equivalent thereof in a foreign country, including the right to claim priority and, in and to, all Letters Patent to be obtained for said invention by the above application or any continuation, division, continuation-in-part, extension or substitute thereof, and any reissue, reexamination or extension of said Letters Patent and all rights under all International Conventions for the Protection of Industrial Property;

ASSIGNOR(S) hereby covenant(s) that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment;

ASSIGNOR(S) further covenant(s) that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said Invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR and will testify as to the same in any interference, litigation, or proceeding relating thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue or enforce said application, said invention and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof. An attorney of record is authorized and requested by the execution of this assignment to insert into this assignment the filing date and serial number of said application when officially known.

AND the ASSIGNOR(S) request(s) the Commissioner of Patents and Trademarks to issue said Letters Patent of the United States and any reissue or extension thereof to the ASSIGNEE.

Date: _____ Inventor: _____
KEVIN CALLOWAY

Date: _____ Inventor: _____
ERGON COPELAND

Date: _____ Inventor: _____
ANTHONY FRANCO

Date: _____ Inventor: _____
ZVULUN HALFON

Date: _____ Inventor: _____
SCOTT JOHNSON

Date: _____ Inventor: _____
RONALD KEWISH

Date: _____ Inventor: _____
JASON McNAMARA

Date: _____ Inventor: _____
RICHARD WILSON

PATENT

Attorney Docket No. GOL5121.11A

Applicant: KEVIN CALLOWAY; ERGON COPELAND; ANTHONY FRANCO; ZVULUN HALFON;
SCOTT JOHNSON; RONALD KEWISH; JASON McNAMARA; RICHARD WILSON
Serial No.: 09/708,235
Filed: NOVEMBER 7, 2000
Title: MULTIMEDIA MESSAGING METHOD AND SYSTEM
Group:
Examiner:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 CFR 1.9(f) AND 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
- ☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: DYNAMICS DIRECT, INC.
ADDRESS OF CONCERN: 22736 VANOWEN STREET, SUITE 101
WEST HILLS, CA 91507

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12 and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed, to and remain with the small business concern identified above with regard to the invention described in

- ☐ the specification filed herewith, with the titled listed above.
- ☒ the application identified above.
- ☐ the patent identified above.

EXHIBIT G

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below¹ and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37

¹ Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities (37 CFR 1.27).

CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or by any organization which would not qualify as a nonprofit organization under 37 CFR 1.9(e).

NAME: _____
ADDRESS: _____

☐ Individual ☐ Small Business Concern ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28)

I hereby declare that all statements made herein of my own knowledge are and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dated: _____

NAME OF PERSON SIGNING
TITLE (OTHER THAN OWNER)
ADDRESS

RUSSELL T. GILLAM
CHIEF EXECUTIVE OFFICER
22736 VANOWEN STREET, SUITE 101
WEST HILLS, CA 91507

SIGNATURE

PATENT

Docket No.: GOL5121.11A

Applicant: KEVIN CALLOWAY; ERGON COPELAND; ANTHONY FRANCO; ZVULUN HALFON;
Serial No.: 09/708,235
Filed: NOVEMBER 7, 2000
Title: MULTIMEDIA MESSAGING METHOD AND SYSTEM
Group:
Examiner:

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Dear Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints

John P. O'Banion, Reg. No. 33,201

as its attorney to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorney(s) in accordance with the provisions of 37 C.F.R. 3.71.

An assignment of the entire interest in the above-identified subject application:

☐ was recorded on _____ at reel/frame _____.

☒ is submitted herewith for recording.

Please direct all telephone calls to John P. O'Banion at (916) 498-1010 and all correspondence relative to said application to the following address:

**John P. O'Banion, Esq.
O'BANION & RITCHEY LLP
400 Capitol Mall, Suite 1550
Sacramento, CA 95814**

Dated: _____

ASSIGNEE: DYNAMICS DIRECT, INC.

Signature: _____

Typed Name: RUSSELL T. GILLAM
CHIEF EXECUTIVE OFFICER
22736 VANOWEN STREET, SUITE 101
WEST HILLS, CA 91507

EXHIBIT H

PATENT

Docket No.: GOL5121.11A

Applicant: KEVIN CALLOWAY; ERGON COPELAND; ANTHONY FRANCO; ZVULUN HALFON;
Serial No.: SCOTT JOHNSON; RONALD KEWISH; JASON McNAMARA; RICHARD WILSON
09/702,835
Filed: NOVEMBER 7, 2000
Title: MULTIMEDIA MESSAGING METHOD AND SYSTEM
Group:
Examiner:

ASSIGNEE CERTIFICATION UNDER 37 C.F.R. 3.73(b)

In accordance with 37 C.F.R. 3.73(b), the assignee hereby certifies that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of the assignee's knowledge and belief, title is in the assignee seeking to take this action.

Dated: _____

ASSIGNEE: DYNAMICS DIRECT, INC.

Signature: _____

Typed Name: RUSSELL T. GILLAM
CHIEF EXECUTIVE OFFICER
22736 VANOWEN STREET, SUITE 101
WEST HILLS, CA 91507

EXHIBIT I

O'BANION & RITCHEY LLP
INTELLECTUAL PROPERTY ATTORNEYS

Wells Fargo Center
400 Capitol Mall, Suite 1550
Sacramento, California 95814
Tel. (916) 498-1010
Fax (916) 498-1074

John P. O'Banion
Patent Attorney

E-Mail
jpo@intellectual.com

Internet
www.intellectual.com

May 15, 2001

Mr. Ergon Copeland
5520 Owensmouth Avenue #116
Woodland Hills, CA 91367

VIA CERTIFIED MAIL

Re: U.S. Patent Application
MULTIMEDIA MESSAGING METHOD AND SYSTEM
Inventors: Kevin Calloway; Ergon Copeland; Anthony Franco; Zvulun
Halfon; Scott Johnson; Ronald Kewish; Jason McNamara; Richard
Wilson
Ser. No.: 09/796,993-
Filed: November 7, 2000
Our File: GOL5121.11A

Dear Mr. Copeland:

URGENT - TIME SENSITIVE TRANSMITTAL

In order to complete the formal filing requirements for this patent application, there are a number of documents which now need to be submitted to the United States Patent and Trademark Office.

1. Combined Declaration and Power of Attorney;
2. Notice to Inventor(s) Regarding Assignment and;
3. Assignment.

EXHIBIT J

May 15, 2001

Page 2

Please note that the Combined Declaration and Power of Attorney requires each inventor to certify that he has read the patent application, and believes that he is an inventor of the subject matter of the application. Therefore, please make sure that you review the application completely prior to signing these documents.

THE DEADLINE FOR FILING THESE DOCUMENTS AND PAYING THE GOVERNMENT FEES IS JUNE 18, 2001.

In the event that any of the inventors discover an error in the application of a minor or typographical nature in the application, the correction of which would be obvious, inherent or implied from the remainder of the application, please bring them to my attention. I can then file a Preliminary Amendment to the application to make the necessary changes. Please note, however, that we are not able to add new matter to the application. Therefore, if the invention is improved or new techniques are developed, it will be necessary for a Continuation-in-Part application to be filed.

Lastly, the inventor and the patent attorney are required to disclose information to the United States Patent and Trademark Office which could be considered material to the determination of issuing a patent. This includes publications, patents, and other literature. If any such information exists, including prior business activities, please provide that information to me as soon as possible. Failure to disclosure information which is considered material to examination of the patent application could invalidate a patent. Additionally, please provide copies of all publications that are identified as background art in the patent application.

Thank you again for your assistance with the preparation of this application, and please let me know if you have any questions.

Best regards.

Sincerely,

O'BANION & RITCHEY LLP



John P. O'Banion

Enclosure

cc: Raphael Moore, Esq.
Dynamics Direct, Inc.

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Received by (Please Print Clearly) B. Date of Delivery MAY 25 2001</p>	
<p>1. Article Addressed to:</p>		<p>C. Signature X <i>[Signature]</i> <input type="checkbox"/> Addressee</p>	
<p>Mr. Ergon Copeland 5520 Owensmouth Avenue #116 Woodland Hills, CA 91367</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>2. Article Number (Copy from service label) 7099-3400-0017-4916-9003</p>		<p>3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>PS Form 3811, July 1999</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>Domestic Return Receipt</p>		<p>GOL 5121.11A 102595-00-M-0952</p>	

EXHIBIT K

7099 3400 0017 4916 9003

U.S. Postal Service		
CERTIFIED MAIL RECEIPT		
(Domestic Mail-Only; No Insurance Coverage Provided)		
Postage	\$ 1.18	5/15/2001 Postmark Here
Certified Fee	1.90	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.58	
Recipient's Name (Please Print Clearly) (to be completed by mailer) Ergau Cope Land		
Street, Apt. No., or PO Box No. 5520 Owensmouth Ave. #116		
City, State, ZIP+4 Woodland Hills, CA 91367		
PS Form 3800, February 2000 See Reverse for Instructions		

EXHIBIT L

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Received by (Please Print Clearly) <i>JK</i> B. Date of Delivery <i>6-1-01</i></p>	
<p>1. Article Addressed to:</p> <p>Mr. Richard Wilson 209 West 5th Street San Dimas, CA 91773</p>		<p>C. Signature <i>X [Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
		<p>D. Is delivery address different from item 1? <input checked="" type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p><i>4481 RIBBON CT LOVELAND CO 80537</i></p>	
		<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
<p>2. Article Number (Copy from service label) <i>7099-3400-0017-4916-8976</i></p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>PS Form 3811, July 1999</p>		<p>Domestic Return Receipt <i>GOL 5/21/11A</i> 102595-00-M-0952</p>	

EXHIBIT M

7099 3400 0037 4916 8976

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$ 1.18	5/15/2001 Postmark Here
Certified Fee	1.90	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.58	

Recipient's Name (Please Print Clearly) (to be completed by mailer)	
Richard Wilson	
Street, Apt. No., or PO Box No.	
209 West 5th St.	
City, State, ZIP+4	
San Dimas, CA 91773	

PS Form 3800, February 2000 See Reverse for Instructions

EXHIBIT N

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Anthony Franco
1346 Via Del Rio
Corona, CA 91720

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

Deanna R. Franco
☐ Agent
☐ Addressee

Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type

- ☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Article Number (Copy from service label)

7099-3400-0017-4916-9034

Form 3811, July 1999

Domestic Return Receipt

GOL 5121, 11A

102595-00-M-0952

EXHIBIT O

7099 3400 0017 4916 9034

U.S. Postal Service		
CERTIFIED MAIL RECEIPT		
(Domestic Mail Only, No Insurance Coverage Provided)		
Postage	\$ 1.18	5/15/2001 Postmark Here
Certified Fee	1.90	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.58	
Recipient's Name (Please Print Clearly) (to be completed by mailer) Anthony Franco		
Street, Apt. No., or PO Box No. 1346 Via Del Rio		
City, State, ZIP+4 Corona, CA 91720		
PS Form 3800, February 2000 See Reverse for Instructions		

EXHIBIT P

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Zvulun Halfon
22710 Oxnard Street
Woodland Hills, CA 91367

2. Article Number (Copy from service label)

70 99 - 3400 - 0017 - 4916 - 7535

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

C. Signature

x Simha Halfon

☐ Agent

☐ Addressee

D. Is delivery address different from item 1? ☐ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

GOL5121.11A

102595-00-M-0952

EXHIBIT Q

7552 9164 2100 004E 6607

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 (Domestic Mail Only; No Insurance Coverage Provided)

Postage	\$ 1.18
Certified Fee	1.90
Return Receipt Fee (Endorsement Required)	1.50
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 4.58

5/15/2001

Postmark
Here

Recipient's Name (Please Print Clearly) (to be completed by mailer)

Zyulon Walton

Street, Apt. No., or PO Box No.

22710 Oxford St.

City, State, ZIP+4

Woodland Hills, CA 91367

PS Form 3800, February 2000

See Reverse for Instructions

EXHIBIT R

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Ronald Kewish
1334 North Parkhurst Street
Simi Valley, CA 93065

2. Article Number (Copy from service label)

7099-3700-097-4918-9010

PS Form 3811, July 1999

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) Ronald B Kewish Jr B. Date of Delivery 6-2-01

C. Signature

X R B Kewish Jr ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☒ Yes
If YES, enter delivery address below: ☐ No

4420 Foothills Dr
Loveland, CO 80537

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Domestic Return Receipt

GOL5121.11A

102595-00-M-0952

EXHIBIT S

7099 3400 0017 4916 9010

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
<div>Postage \$ 1.18</div> <div>Certified Fee 1.90</div> <div>Return Receipt Fee (Endorsement Required) 1.50</div> <div>Restricted Delivery Fee (Endorsement Required) 4.58</div> <div>Total Postage & Fees \$</div>		
<div>Postmark Here</div> <div>5/15/2001</div>		
<div>Recipient's Name (Please Print Clearly) (to be completed by mailer)</div> <div>Ronald Kewish</div> <div>Street, Apt. No., or PO Box No.</div> <div>1334 N. Parkhurst St.</div> <div>City, State, ZIP+4</div> <div>Simi Valley, CA 93065</div>		
<div>PS Form 3800, February 2000</div> <div>See Reverse for Instructions</div>		

EXHIBIT T

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Scott Johnson
717 33rd Street, #304
San Pedro, CA 90371

COMPLETE THIS SECTION ON DELIVERY

A. Received By (Please Print Clearly) B. Date of Delivery

C. Signature

X

☐ Agent
☐ Addressee

D. Is delivery address different from item 1?

If YES, enter delivery address below:

☐ Yes
☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Article Number (Copy from service label)

099-3400-0017-4916-9027

3811, July 1999

Domestic Return Receipt

GOL 5121.11A

102595-00-M-0952

EXHIBIT U

7099 3400 0017 4916 9027

U.S. Postal Service CERTIFIED MAIL RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)		
Postage	\$ 1.18	5/15/2001 Postmark Here
Certified Fee	1.90	
Return Receipt Fee (Endorsement Required)	1.50	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 4.58	
Recipient's Name (Please Print Clearly) (to be completed by mailer) Scott Johnson Street, Apt. No., or PO Box No. 717 3rd St. #301 City, State, ZIP+4 San Pedro, CA 90371		
PS Form 3800, February 2000 See Reverse for Instructions		

EXHIBIT V

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)Applicant(s): **KEVIN CALLOWAY ET AL.**

Docket No.

GOL5121.11A

Serial No.

09/796,933

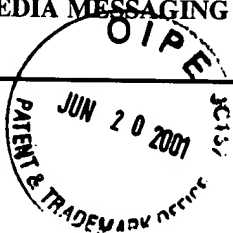
Filing Date

NOVEMBER 7, 2000

Examiner

Group Art Unit

Invention:

MULTIMEDIA MESSAGING METHOD AND SYSTEMI hereby certify that this **Statement of Facts (Page 1 thru 6 with Exhibits A thru V)***(Identify type of correspondence)*

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The

Assistant Commissioner for Patents, Washington, D.C. 20231 on

6/8/01
*(Date)***JOHN P. O'BANION***(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.**



PATENT #3

Applicant: KEVIN CALLOWAY; ERGON COPELAND; ANTHONY FRANCO;
ZVULUN HALFON; SCOTT JOHNSON; RONALD KEWISH;
JASON McNAMARA; RICHARD WILSON
Serial No.: ~~09796,993~~ 09/708235
Filed: NOVEMBER 7, 2000
Title: MULTIMEDIA MESSAGING METHOD AND SYSTEM
Group:
Examiner:
Docket No. GOL5121.11A

RECEIVED

JUN 22 2001

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF NONSIGNING INVENTOR

(37 C.F.R. § 1.47)

NOTE: This statement as to the pertinent facts concerning the refusal of the nonsigning inventor to join in the application or where the omitted inventor cannot be found or reached must accompany the declaration signed on behalf of the omitted inventor by a joint inventor or by a legal representative who shows a proprietary interest. Where the entity with a proprietary interest executes the declaration on behalf of the omitted inventor there must also be a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage. 37 C.F.R. §§ 1.47(a) and (b).

This statement is made as to the exact facts that are relied upon to establish the diligent effort made to secure the execution of the declaration by the nonsigning inventor for the above-identified patent application before the deposit thereof in the Patent and Trademark Office.

This statement is being made by the available person having first-hand knowledge of the facts recited therein

NOTE: The statement "must be signed, where at all possible, by a person having first-hand knowledge of the facts recited therein." M.P.E.P. § 409.03(d), 7th ed. If different persons have first-hand knowledge of different facts, then a declaration from each such person as to those facts he or she knows should be submitted separately.

NOTE: Copies of documentary evidence, such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 7th ed.

I. IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

Name: Raphael Moore, Esq.

Address: Phoenix House
519 F Street
Davis, CA 95616

06/21/2001 CNGUYEN 00000133 09708235

05 FC:122

130.00 OP

**II. EFFORTS MADE DURING CONVENTION YEAR TO OBTAIN INVENTOR'S
SIGNATURE**

III. LAST KNOWN ADDRESS OF THE NONSIGNING INVENTORS

Full name of first joint nonsigning inventor:	ERGON COPELAND
Country of Citizenship of nonsigning inventor:	UNITED STATES
Last known address of nonsigning inventor:	5520 OWENSMOUTH AVENUE #116 WOODLAND HILLS, CA 91367
Full name of second joint nonsigning inventor:	ANTHONY FRANCO
Country of Citizenship of nonsigning inventor:	UNITED STATES
Last known address of nonsigning inventor:	1346 VIA DEL RIO CORONA, CA 91720
Full name of third joint nonsigning inventor:	ZVULUN HALFON
Country of Citizenship of nonsigning inventor:	UNITED STATES
Last known address of nonsigning inventor:	22710 OXNARD STREET WOODLAND HILLS, CA 91367
Full name of fourth joint nonsigning inventor:	SCOTT JOHNSON
Country of Citizenship of nonsigning inventor:	UNITED STATES
Last known address of nonsigning inventor:	717 33 RD STREET #304 SAN PEDRO, CA 90371
Full name of fifth joint nonsigning inventor:	RONALD KEWISH
Country of Citizenship of nonsigning inventor:	UNITED STATES
Last known address of nonsigning inventor:	4420 FOOTHILLS DRIVE LOVELAND, CO 80537
Full name of sixth joint nonsigning inventor:	RICHARD WILSON
Country of Citizenship of nonsigning inventor:	UNITED STATES
Last known address of nonsigning inventor:	4481 RIBBON COURT LOVELAND, CO 80537

IV. DETAILS OF EFFORTS TO REACH NONSIGNING INVENTORS

NOTE: Complete either these facts or the facts as to refusal of nonsigning inventors to sign application papers.

NOTE: In addition to a recitation of these efforts, which must have been made before the application was deposited in PTO, copies of documentary evidence such as letters, telegrams, responses, etc. that support a finding that a nonsigning inventor could not be found or reached should, if available, be made part of the declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions. M.P.E.P. § 409.03(d), 7th ed.

On December 13, 2000, I forwarded a copy of the patent application, combined declaration and power of attorney, verified statement claiming small entity status-inventor, notice to inventor(s) regarding assignment, and assignment to each of the inventors at their individual addresses.

On December 19, 2000, I telephoned each of the inventors and requested their signatures on the documents provided by O'Banion & Ritchey (copy of patent application, combined declaration and power of attorney, verified statement claiming small entity status-inventor, notice to inventor(s) regarding assignment, and assignment to Dynamics Direct, Inc.) either in person or by leaving a message to that effect.

On January 15, 2001, I telephoned or attempted to reach by telephone each of the inventors and requested their signatures on the documents provided by O'Banion & Ritchey (combined declaration and power of attorney, verified statement claiming small entity status-inventor, notice to inventor(s) regarding assignment, and assignment to Dynamics Direct, Inc.) either in person or by leaving a message to that effect.

On April 9, 2001, I telephoned or attempted to reach by telephone each of the inventors and requested their signatures on the documents provided by O'Banion & Ritchey (combined declaration and power of attorney, verified statement claiming small entity status-inventor, notice to inventor(s) regarding assignment, and assignment to Dynamics Direct, Inc.) either in person or by leaving a message to that effect.

V. . DETAILS OF REFUSAL OF NONSIGNING INVENTORS TO SIGN APPLICATION PAPERS

NOTE: Complete either these facts or the facts as to DETAILS OF EFFORTS TO REACH NONSIGNING INVENTORS.

NOTE: The circumstances of this refusal must be specified by the person to whom the refusal was made and, before a refusal can be alleged, it must be demonstrated that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings and declaration) to the nonsigning inventors for signature. A copy of the application papers should be sent to the last known address of the nonsigning inventors, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventors' attorney. The time and place of an oral refusal should be stated, or a copy of the written refusal should be attached.

If it is the conduct as a whole of the nonsigning inventors that is the refusal, then all the facts upon which this conclusion is based should be stated and a copy of any documentary evidence supporting these facts should be attached.

Where there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.

Whenever the nonsigning inventors give a reason for refusing to sign the application papers, that reason should be stated. M.P.E.P. § 409.03(d), 7th ed.

ALL OF THE REFUSING INVENTORS HAVE BEEN TERMINATED FROM EMPLOYMENT WITH THE ASSIGNEE (DYNAMICS DIRECT, INC.). ON EACH PAST OCCASION OUTLINED ON PREVIOUS PAGE OF THIS STATEMENT, THE CONTACTED INVENTORS HAVE REFUSED TO SIGN THE DOCUMENTS (COMBINATION DECLARATION AND POWER OF ATTORNEY, NOTICE TO INVENTOR(S) REGARDING ASSIGNMENT, AND ASSIGNMENT.


THE CONDUCT AS A WHOLE OF THE NONSIGNING INVENTORS IS THE REFUSAL. TO DATE NONE OF THE DOCUMENTS FORWARDED TO THE INVENTORS HAVE BEEN RETURNED WITH SIGNATURE OR SIGNATURES.

VI. PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE OR PRESERVE THE RIGHTS OF THE PARTIES

NOTE: This proof must be presented where the declaration is signed by a person with sufficient Proprietary interest for the nonsigning inventor, but is not a requirement when the person signing for The nonsigning inventor is a joint inventor. (37 C.F.R. § 1.47(a)).

Dated: _____

6.1.01



Raphael Moore